

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

GERARDO CAMPOS, et al	:	
	:	
Plaintiffs	:	CASE NO. 3:12-cv-01529-PAD-(BJM)
	:	
vs.	:	
	:	
SAFETY-KLEEN SYSTEMS, INC., et al	:	
	:	
Defendants	:	

**STATEMENT OF MATERIAL FACTS**

Comes Now the Plaintiffs, GERARDO CAMPOS, YADIRA D. VEGUILLA ROSARIO, and CAMILLA A. CAMPOS VEGUILLA, by and through the undersigned counsel and in accordance with Fed. R. Civ. Procedure and Puerto Rico Rule of Civil Procedure 56 and submit the following material facts in support of their Motion for Summary Judgment Regarding Causation of Injuries/Motion to Strike Dr. Peter Shields:

1. SK-105 contains benzene.<sup>1</sup>
2. Benzene exposure causes chronic myeloid leukemia (hereinafter “CML”).<sup>2</sup>
3. Plaintiff, Gerardo Campos, was exposed to SK-105.<sup>3</sup>
4. Plaintiff, Gerardo Campos, developed CML.<sup>4</sup>
5. Plaintiff, Gerardo Campos’, CML is causally related to his exposure to benzene through his use of SK-105.<sup>5</sup>

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<sup>1</sup> Transcr. Depo. Peter Shields, p. 25:4-9, *Campos v Safety-Kleen*, (May 9, 2014) [Exhibit 25]; Transcr. Depo. Arthur Frank p. 40:19-41-3, *Campos v Safety Kleen* (Apr. 23, 2014) [Exhibit 23].

<sup>2</sup> Transcr. Depo. Peter Shields ¶ 39:15–21, *Cathy Batton Executrix of the Estate of Dewey Batton v. CSX Transp Inc.*, No. 07CVS-4453 (N.C. 5th Dist. Super. Ct.) (Sept. 26, 2008) [Exhibit 13] [hereinafter Sept. 26 Depo]; Expert Report of Arthur Frank, *Campos v Safety-Kleen*, (Dec. 13, 2013) [Exhibit 22]; Transcr. Depo. Arthur Frank p. 84:24-85:8, *Campos v Safety Kleen* (Apr. 23, 2014) [Exhibit 23].

<sup>3</sup> Dec. Gerardo Campos (Nov. 16, 2013) [Exhibit 24].

<sup>4</sup> Expert Report of Arthur Frank, *Campos v Safety Kleen*, (Dec. 13, 2013) [Exhibit 22]; Transcr. Depo. Arthur Frank p. 84:24-85:8, *Campos v Safety Kleen* (Apr. 23, 2014) [Exhibit 23].

Dated: June 13, 2014

Respectfully submitted,

Respectfully submitted,

/s/ Michael A. Robb  
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**COUNSEL FOR PLAINTIFFS**

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<sup>5</sup> Expert Report of Arthur Frank, *Campos v Safety Kleen*, (Dec. 13, 2013) [Exhibit 22]; Transcr. Depo. Arthur Frank p. 40:19-41:3, *Campos v Safety Kleen* (Apr. 23, 2014) [Exhibit 23].

**CERTIFICATE OF SERVICE**

I certify that on this day, June 13, 2014, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, District of Puerto Rico, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Respectfully submitted,

/s/ Michael A. Robb  
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